

ASSEMBLY BILL

No. 580

Introduced by Assembly Member Emmerson

February 16, 2005

An act to amend Section 1810 of the Water Code, relating to water.

LEGISLATIVE COUNSEL'S DIGEST

AB 580, as introduced, Emmerson. Water conveyance facilities.

Existing law prohibits the state and a regional or local public agency from denying a bona fide transferor of water the use of a water conveyance facility that has unused capacity, if fair compensation is paid and other requirements are met.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 1810 of the Water Code is amended to
- 2 read:
- 3 1810. Notwithstanding any other provision of law, neither the
- 4 state, nor any regional or local public agency, may deny a bona
- 5 fide transferor of water the use of a water conveyance facility
- 6 ~~which~~ *that* has unused capacity, for the period of time for which
- 7 that capacity is available, if fair compensation is paid for that use,
- 8 subject to the following:
- 9 (a) Any person or public agency that has a long-term water
- 10 service contract with, or the right to receive water from, the

1 owner of the conveyance facility shall have the right to use any
2 unused capacity prior to any bona fide transferor.

3 (b) The commingling of transferred water does not result in a
4 diminution of the beneficial uses or quality of the water in the
5 facility, except that the transferor may, at the transferor's own
6 expense, provide for treatment to prevent the diminution, and the
7 transferred water is of substantially the same quality as the water
8 in the facility.

9 (c) Any person or public agency that has a water service
10 contract with, or the right to receive water from, the owner of the
11 conveyance facility who has an emergency need may utilize the
12 unused capacity that was made available pursuant to this section
13 for the duration of the emergency.

14 (d) This use of a water conveyance facility is to be made
15 without injuring any legal user of water and without
16 unreasonably affecting fish, wildlife, or other instream beneficial
17 uses and without unreasonably affecting the overall economy or
18 the environment of the county from which the water is being
19 transferred.